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112678
INLAND
CONTAINER
CORPORATION



VIA FEDERAL EXPRESS

August 30, 1988

Mr. Michael Towle
Remedial Enforcement Project Officer
U.S. Environmental Protection Agency
Region III
PA CERCLA Remedial Enforcement Section
(3HW12)
P.O. Box 3409
Reston, Virginia 22091

Re: Keystone Sanitation Landfill
Adams County, Pennsylvania

Dear Mr. Towle:

In a letter dated June 28, 1988, Mr. Bruce Smith, Chief, Hazardous Waste Enforcement Branch, Region III, USEPA, wrote to Inland Container Corporation ("Inland") seeking information in connection with the Keystone Sanitation Landfill in Adams County, Pennsylvania. Mr. Smith's letter indicated Inland should correspond with you in furnishing the information requested in his letter.

Inland is not aware of any actual or threatened release of a hazardous substance from the Keystone Sanitation Landfill site with respect to Inland such as would authorize EPA to invoke either the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 3001, et seq., or the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, et seq. Therefore, Inland is not aware of any valid legal or factual reason for requiring Inland to furnish the information requested in Mr. Smith's letter.

Inland believes any actual or threatened release of a hazardous substance from the Keystone Sanitation Landfill was caused solely by the acts or omissions of others. Inland believes that it has exercised due care and has taken all precautions against foreseeable acts or omissions of present and subsequent owners or operators of waste disposal sites used by it, including consequences that could foreseeably result from such acts or omissions. Consequently, pursuant to RCRA and CERCLA, EPA should seek information from and impose any costs for

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study or cleanup of the Keystone Sanitation Landfill site on others, including but not limited to, owners and operators of the site and generators of hazardous waste. Accordingly, Inland reserves its rights under 42 U.S.C. § 6972 and any other applicable statutes or case law to pursue enforcement of RCRA and any of Inland's other rights or remedies, including its rights to recover reasonable attorneys' fees and expert witness costs.

Mr. Smith's letter asks Inland to furnish the following information concerning Inland and the Keystone Sanitation Landfill:

1. The nature of Inland's business;
2. The time period of operation of Inland's business;
3. Identification of any of Inland's parent companies, subsidiary companies, and related information;
4. A description of the types of manufacturing, maintenance or other processes used in Inland's operations during the time period from 1966 to present, including a schematic drawing of such processes;
5. A description of raw materials, products or wastes used or generated in the processes or operations of Inland and a list of those materials which are potentially hazardous;
6. A description of the precautions and procedures followed to prevent mixing of potentially hazardous with non-hazardous waste streams, including a schematic process/waste stream diagram, if possible;
7. Specification of the time period during which Inland contracted with Keystone Sanitation Company, Inc., or sent wastes to the Keystone Sanitation Landfill;
8. A description of the nature, i.e., chemical and physical description, of any wastes Inland sent to the Keystone Sanitation Landfill;
9. A specification of any arrangements Inland made to dispose of Inland's wastes at the Keystone Sanitation Landfill, including contracting with a hauler or transporter;
10. A statement of the quantity (number of loads, gallons, drums) of any hazardous substances, if any, which were used, treated, transported, disposed or otherwise handled by Inland and sent to the Keystone Sanitation Landfill;

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11. Copies of any billing information or documents (invoices, trip tickets, manifests) in Inland's possession regarding arrangements made with Inland to generate, treat, store, transport, or dispose of hazardous substances at the Keystone Sanitation Landfill;

12. Copies of any permits or applications and any correspondence between Inland and any regulatory agencies or other parties regarding hazardous substances transported and disposed of at the Keystone Sanitation Landfill;

13. Identification of, and copies of any documents relating to, any other person who generated, treated, stored, transported, or disposed at, or who arranged for the treatment, storage, disposal or transportation of hazardous substances to, the Keystone Sanitation Landfill;

14. A description of any insurance held by Inland covering releases of hazardous waste.

As indicated previously, Inland disagrees with any presumption in Mr. Smith's request that wastes Inland generated are involved in any actual or threatened release of hazardous substances from the Keystone Sanitation Landfill site. Inland nevertheless intends to cooperate with the EPA information request, and therefore has assembled the information set forth below. You should not, however, consider any statement in this letter or the submission of information as required in Mr. Smith's letter as any (1) waiver of any legal position or right that Inland has or might have; (2) admission against interest by Inland; or (3) acceptance by Inland of any legal or financial responsibility to any public or private person with respect to the Keystone Sanitation Landfill.

Pursuant to Mr. Smith's request for information the following responses to each of the above requests are submitted:

1. Inland manufactures corrugated containers and boxes. The only facility Inland maintains in proximity to the Keystone Sanitation Landfill is a box plant at Biglerville, Pennsylvania.

2. The Biglerville plant has been in operation since 1955.

3. Enclosed as Exhibit A is a chart depicting Inland's parent company and subsidiaries.

4. Enclosed as Exhibit B are five pages of verbal description of these manufacturing processes. 47200544

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5-6. Attached as Exhibit C is a diagram detailing the waste streams generation in Inland's Biglerville plant and the destination of those streams. In addition, Inland attaches two letters, the first dated August 13, 1980 (Exhibit D), from W.R. Hampton of Inland to Mr. Billy Bryant of Keystone Sanitation detailing the wastes being removed from the Biglerville plant, and Mr. Bryant's reply to Mr. Hampton's letter dated August 21, 1980 (Exhibit E), stating that none of these wastes are inappropriate for disposal at the Keystone Sanitation Landfill. Finally, attached as Exhibit F is a contract dated January 15, 1981, which further describes the non-hazardous nature of Inland's wastes.

7. According to Inland's internal accounting records, Inland has deposited wastes with the Keystone Sanitation Company, Inc., from 1967 to the present.

8. See the answer to number 5-6 above.

9-11. The enclosed documents, attached as Exhibit G, are copies of all of Inland's internal accounting records reflecting transactions with the Keystone Sanitation Company. It is not known whether all loads described in these documents were deposited at the Keystone Sanitation Landfill. The materials possibly taken to the Keystone Sanitation Landfill were ordinary plant trash and were acceptable to the Landfill operator as non-hazardous waste. See Exhibits D and E.

12. There is no correspondence concerning hazardous wastes transported or disposed of at the Keystone Sanitation Landfill. Attached as Exhibit H is correspondence from 1979 between Mr. Hampton and the President of Keystone Sanitation Company, Inc., showing the Keystone Sanitation Landfill's capacity to accept the waste generated by Inland. See also the answer to Request Numbers 5-6 below and especially Exhibits D and E.

13. Inland is not aware of and possesses no documents relating to other persons who may have generated, treated, stored, transported or disposed of hazardous substances at the Keystone Sanitation Landfill, or concerning any persons who made arrangements for such treatment, storage, disposal or transportation.

14. A summary showing Inland's insurance coverage is attached as Exhibit I. Copies of any insurance policies that are in Inland's possession will be provided to EPA on request. Inland believes that this insurance provides coverage against releases of hazardous substances or wastes as a result of handling of such materials.

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Mr. Michael Towle

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Inland has provided all records concerning the Keystone Sanitation Landfill site which it has been able to locate to date. The records searched includes those in the Accounts Payable and Environmental Control Departments of Inland. The records enclosed with this letter are self-explanatory as to date and author.

If you have any questions regarding this letter or the documents enclosed herewith, or if you wish to direct additional inquiries to Inland, please contact me.

Very truly yours,

Steven L. Householder

Steven L. Householder
General Counsel

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CERTIFICATION

I certify that the information in this letter is true and accurate to the best of my knowledge and belief.

INLAND CONTAINER CORPORATION

By *Steven L. Householder*
Steven L. Householder
General Counsel

Subscribed and sworn to before me, this 30th day of

August, 1988.

Erlene J. Upp
Notary Public

ERLENE J. UPP
Printed

My Commission expires:

5-1-91

County of residence:

Mason

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